P

App. F. IX-4

1928.

File No. 62-28

Previous References (V.P

Serial Nos. 1 — 2

Later References
V037-29181-10

General and Revenue Secretariat.

Serial Nos. Two.

P.16
E

Part B for march 29

SUBJECT

Request of the Planters Association that planting estates be exempted from the operation of Sec 29, 31, 33 of the Mysore V.P. Regn and that Sec 28(d) thereof be revoked

---

Sl 2 - To the Secy
Mysore Planters Association
No. L. 6425 dy. 30.3.29

States that Government do not consider it desirable to exclude the general estates from the operation of a law of general applicability -

Mint 31/3

3400

App. F. III—2]

General and Revenue Secretariat

VP File No. (22 of 1925

Serial No.

The Secretary, The Mysore Pla
Association Yakkeshwar Hassan D
Letter no dated the 29th January
Requests that planting estate
exempted from the operation of
Sections 7a 21 and 30 of the
Mysore Village Panchayet and Rebla
and that Sec 28 (A) may be revo
for three years for reasons give

Subd with two draft letters-
one acknowledging the receipt
letter and the other to the Ch
for his remarks in the matter
in consultation with the Hon'ble S. Y.

GRR
1/2/29

2 The following reliefs are sought
(1) The Village Panchayet Bill
(2) The V. P. Bill with Select Committee
(3) The Legislative Council Proceedings
(4) The Village Panchayet Regulation and the Rules framed thereunder

2 We see M. P. A represents on behalf of the Association that the Coffee Cardamom and other estates

Hon'ble S was consulted
are 2-29
DRG 2/2/29

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

Serial No.

exempted from the operation of (1) sees 29, 31 and 33 of the Regulat (2) that see 28 (d) be revoked forthwith and (3) that the work of see 36(3) be also watched has given reasons in support of his contentions: Each of these each will be dealt with below

1 Under see 28(d), the V.P. has power to divert, discontinue or close any road or bridge this see is taken from the model Act (see 31) and reads V.P. to see 23(1)(a). The Secretary H.P. states that this power is in excess that might to be granted to any local authority and should vest in Govt. He requests that as it affects the laws of right of way, this drastic power may be revoked on the point as to whether it affects the laws of right of way the Legal Remembrancer may perhaps be consulted.

5 see 29 of the V.P. Regn deals with the control of the erection of buildings subject to such rules as may be prescribed, the every person who wants to construct a building should

1 Ur sec 28(d)

NOTE—Contn. sheet

Serial No.

This section is taken from Village Sanitation Rules III (3).

obtain a license from the Panchayat having jurisdiction over the area and it has been laid down that the permission shall not be refused unless the site is unsuited on sanitary grounds obtaining of a license by every person who wants to erect a building is obligatory under this section. Certain rules are also prescribed (vide page 36 of the V.P. Manual). The Secy. N.P.-A. considers that it maybe possible for a Panchayat to interfere with the building of a factory on an estate and is therefore objectionable. What is referred to is more a possibility and a contingency and not what has actually happened the planters do not want to set a precedent under Sec 31 (taken from Bengal Act section 27 of 1918 & Madras Act Sec 23), the V.P. may require the owner or occupier of any hut to improve the sanitary condition of his premises. This is not done as a matter of routine but only if it appears necessary to improve the sanitary condition of any area. If the estates claim to be really sanitary, there need be no fear for the planters that the V.P. would interfere with their internal affairs. Moreover

NOTE.—Contn. sheet.

Serial No.

Taken from the Madras V.P. Act sec 34.

it= maybe stated that the Chances of any V.P. so interfering with planters' estates are remote

7 Sec 33 of the V.P. Regulation gives the power of entry to the members, officers or servants of V.Bs in order to make inspection or to execute work. This is said to be the most drastic & objectionable clause in the Regulation as it is liable to cause untold friction & trouble.

8 Sec 36 (3) granting exemptions to certain individual or class of individual from payment of Obligatory taxes is worked subject to rules framed by the Govt (vide page 214 the Manual). This is however a matter with which the planters have no concern

9 To sum up, it maybe stated that the Secy has not put forth any specific complaint against any Village Panchayat. They are merely in the nature of apprehensions and a general request for exemptions. After all it maybe stated that if any V.P. abuses or misuses the provisions of Sec 5 prohibit the doing of an act there are sufficient safeg

NOTE—Contn. sheet

5

3400

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-in the Regulation.

10 of the exemption asked for has to be granted, the Regulation also seems to require an amendment

11 the draft to the R-C. requesting him to forward his remarks in consultation with the D.C.'s Distts is for approval. This subject may perhaps be brought up at the meeting. V Week in the first week of March 27

The Hindus V.P. Act I of 1923 not available with the Bijapur file 4/2/27

Jaa 11/2/27

Regarding Section 28 (d):-

The Panchayet will not without consulting local convenience or necessity for diverting, discontinuing or closing a road and proper notice thereof, divert, discontinue or order the closing of a Road. This is done by other local bodies; Municipality for example. They have to open new roads, discontinue old roads and no serious risk, trouble or inconvenience to life or property or any right of way have been urged or serious cases have been launched against Municipal Council --- either in Bangalore or Mysore. The apprehension of the Planters seems more imaginary than real. The provision is not enacted for the first time in ~~this record~~ Old Regulation. It is only based on similar provisions enacted in ---

Madras

NOTE—Contn. Sheet.

WD 01714—GPB—30,000—18-4-28

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Madras for Village Panchayets and on which the Regulation is mainly based.

3 Regarding Section 29:- The Secretary seems to have been unaware of the existence of such provisions in the Village Sanitation Rules which are now incorporated in the Village Panchayet Regulation. There is no reason for the Association to take - - - offence or find fault with such a provision. All buildings have to be erected on Sanitary and other principles. If situated in Towns they will have to obtain permission of another local body. There is no reason why they should not obtain permission from a Village Panchayet. There are appellete authorities who are Government Officers and who may issue wrong order. The Panchayet is a responsible a body as a -- Municipal Council or a District Board. There is no proper reason why the Association should complain -- against them.

14 The scope of Section 31 is explained in the -- Office note above.

15 A provision similar to Section 33 is to be found in the Municipal Regulation also. Vide Section 159 of the Municipal Regulation. The friction and other troubles complained are more imaginary than real. The entry will be with the consent of the occupier, otherwise due notice will be given and all sentiments of the occupier and inmates will be duly respected.

16 Regarding Section 36:- Government have issued suitable instructions to the Village Panchayet in -- regard to levy of taxes and exemptions thereof. Vide Page 21 of the Village Panchayet Manual. The - - -

NOTE—Contn. sheet

WD 021—GPB—30,000—21-8-28

Serial No.

The Association do not seem to have read the --- several Government Orders and Notifications. They may as well do this. A copy of the Village Panchayat Regulation Manual may be sent to the Secretary for information.

All considered, the Secretary may be informed that Government consider that there is nothing in the Regulation for the Association to take objection and the Association may bring to notice any difficulty practically experienced so that it may be rectified.

Draft calling for the opinion of the Collector and acknowledging the receipt of the representation

CHIEF SECRETARY. 14 FEB. 1929

A draft reply may be put up on the following lines.

Govt have carefully considered the representation made by the Association and are of opinion that the powers of village Panchayats complained of are those normally exercised by local bodies. There is no cause for apprehension that these powers would be exercised in a manner calculated to prejudice the interests of any class of persons. If such a contingency should arise, it could be dealt with under the provisions of the Regulation which makes ample provision for obviating

NOTE—Contn. sheet

8

34000

App. F. III—2]

General and Revenue Secretariat.

File No. 62 of 1928.

Serial No.

DEWAN'S OFFICE
22 MAR. 1929
No. C2016

~~power by village Panchayats~~ the purpose Govt with the assurance of M. Association that the Moorish community ~~are~~ not opposed to the general principle of encouraging local self government in villages and trust that the practical working of these bodies will not be attended with the difficulties that are apprehended

Nil
15/2
WD

2) Submitted with a draft letter as directed above

GRR
20/2/29.

CHIEF SECRETARY.
21 FEB. 1929

20/2

2.) As I am put up an amplified Draft which may please be sanctioned

Nil
25/2

Principal
Chief Secy

Chief Secy

3) Submitted for consideration

Nil
2/3

Secon Member

Chief Secy. 6.3.29

OFFICE OF THE SECOND MEMBER COUNCIL
11 MAR. 1929
No. 6694

Chief Secy.
21/3

NOTE—Contn. Sheet.

MD 01184—GPB—30,000—18-4-28.

Secon Member
26/3

Chief Secy

82400 A1

App. F. III—2]

General and Revenue Secretariat | VP File No 62 of 1928-29

Serial No. 2

To the Secretary, M. P. A. Sattlesham
no 2 6 4 25 dated 30. 3
forwards a detailed reply to his letter
dated the 29th January 1929 and
adds that Govt do not consider
it desirable to exclude the Lawsu
estates from the operation of a law o
general applicability.

GEN. & R. SECT.
30 MAR. 1929
L. S. G. BRANCH

30/3/29

WD 021—GPB—30,000—21-8-28

U.P. 62-28-1 10

REGD. OFFICES:-
BANK OF MYSORE, LTD.,
CHIKMAGALUR
KADUR DISTRICT
GRAMS:-

M.P.A
1864

THE MYSORE PLANTERS' ASSOCIATION
(INCORPORATED)
Saklaspur P. O.
Hassan DISTRICT.

29/1/1929.

GEN 3 1934 JAN
L. S. G. BRANCH

Dy. (or Rev)
CHIEF SECRETARY.
31 JAN. 1929
SR 46 31/1
27 31/1

From. The Secretary, The Mysore Planters' Association (Incorporate

To. The Chief Secretary to Government.

Sir,

Under instructions from my Association I have the honour to make the following representations in re The Mysore Village Panchayet Regulation II of 1926 and the Rules and Standing Orders issued under it:-

Now that this Regulation has been brought into force in the Planting Districts considerable apprehension has been caused to our members by some of the powers granted to Village Panchayets and it has become clear that the peculiar conditions of the Planting Industry have not been sufficiently allowed for in the Regulation. We wish to make it clear at the outset that we are in no way opposed to the general principle of encouraging local self-government by Village Panchayets, but desire that it shall be aided by the removal of possibilities of friction in it's practical working.

All planting estates are included in Land Revenue Villages and therefore come under the Regulation, but actually such estate are merely geographically in villages and definitely do not form part of a village as a social or economic unit. This, we submit is beyond dispute and it is for this reason that we ask for certa exemptions from the operations of Panchayets. It is fair to say that although Panchayets can not in existing circumstances benefit planting estates to any appreciable extent they can under the Regulation as it now stands interfere with and cause loss and annoyance to such estates: such a state of affairs is most undesirable. Estates are inevitably from their working conditions self-contained communities and in practice have no part or lot

REGD. OFFICES:-
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CHIKMAGALUR
KADUR DISTRICT
TELEGRAMS:-

M.P.A
1864

THE MYSORE PLANTERS' ASSOCIATION
(INCORPORATED)
P. O.
DISTRICT.

in the distinct life of villages. This may be regrettable but is none the less true and should be allowed for as an unquestionable and relevant factor. The subjects to be dealt with by Panchayets as detailed in Section 20 of the Regulation are practically all provided for by estates for themselves and any improvements made by Panchayets in these directions will benefit the villages concerned but not the estates in these villages.

At the same time we have no wish to try to cut ourselves off from all village activities or claim to live in a world of our own. We are quite willing to contribute to the success of Village Panchayets by contributing to their finances and by co-operating with them otherwise when practicable, but we do ask that our special conditions be recognised and that we be safeguarded from the possibilities of undesirable interference by Panchayets in our special Work.

To detail the points that are causing us apprehension:-

Section 28 of the Regulation, paragraph (d), permits a Panchayet to "divert, discontinue or close any road or bridge". Apart from the law of right-of-way which would appear to us to be involved in this, this power seems one that is far in excess of any that ought to be granted to any local authority whatsoever. In fact we submit that such power should rest with His Highness's Government alone and even them be subject to the law of right-of-way. This particular matter affects every body in the State and not only the Planting Industry. We most earnestly request that this drastic power of Panchayets be revoked forthwith.

Section 29 circumscribes the right to erect buildings, and may be desirable as regards village sites. It can not be upheld that control over the buildings on an estate is either necessary or desirable, as such buildings are quite separate from the actual village. Under this section it would be possible for a Panchayet

REGD. OFFICES:-
BANK OF MYSORE, LTD.,
CHIKMAGALUR
KADUR DISTRICT
MS:-

M.P.A
1864

THE MYSORE PLANTERS' ASSOCIATION
(INCORPORATED)
P. O.
DISTRICT.

12

to interfere with or forbid the building of a tea estate factory or a manager's bungalow and this is clearly objectionable.

Section 31 similarly permits interference with the internal economy of estates, a matter which can not in any way adversely affect the village, and is therefore undesirable.

Both these sections, 29 and 31, are liable to cause friction and to possible abuse and we therefore ask that planting estates be exempted from their operation.

Section 33 gives the right of entry to any member, officer or servant of a Panchayet to any building or land in order either to make inspection or to execute work. This is perhaps the most drastic and objectionable clause of the Regulation. We can not but object to it on general principles as an infringement of elementary rights, and further as a most dangerous power open to abuse and liable to cause untold friction and trouble. It must be admitted that there will always be both good and bad Panchayets. The former would not abuse the powers they possess and, deprived of those we refer to in this letter, will still manage their affairs well. The latter will be prone to abuse their powers but will be helped in the right direction by being deprived of their objectionable ones before they have been abused. Trouble caused by a few bad Panchayets will far outweigh the smooth working of many good ones.

On general principles we are rather doubtful if Section 36(3) is not wrong: in any case we submit that it's working should be very carefully watched by Government.

In considering the case of planting estates it should be borne in mind that many estates are so situated as to fall in several Land Revenue Villages so that they will have to deal with,

No 26420
H.P. 62-28-2/1. 3039/29

14

The Secretary,

Mysore Planters' Association,

Saklespur.

Sir,

I am directed to reply to your letter dated 29th January 1929 making certain representations in regard to the provisions of the Village Panchayet Regulation. Before dealing in detail with the several points raised, I am to express the satisfaction of Government at ~~with~~ the assurance contained in your letter that the Association is in no way opposed to the general principle of encouraging ~~local~~ self-government by Village Panchayets, and that the planting community is ready to contribute to the success of these Panchayets by co-operating with them in all practicable ways. You, however, point out that the special conditions of coffee, cardamom, tea and rubber estates should be recognised, and that they should be exempted from the operation of certain sections of the Regulation which, in the view of your Association, are drastic and likely to offer scope for unnecessary interference in your special work.

The first of the provisions ~~complained~~ complained of is contained in section 28 clause (d) of the Regulation which empowers a Panchayet to "divert, discontinue or close any road or bridge". This power is not, as you state, far in excess of any that ought to be granted to any local authority whatever. On the other hand, it is one of the powers with which local self-governing bodies are ordinarily

ordinarily invested. Our Municipalities possess a similar power. The Village Panchayets in the Madras Presidency also exercise it. Attention may also be drawn to the fact that this power is expressly restricted to streets, roads, etc., which are not private property. There need be no apprehension that the exercise of this power will in any ~~way~~ affect rights of way.

Your next objection refers to section 29 which invests the Panchayets with control over the erection of buildings. This is also one of the normal powers of a local body. The conditions governing its exercise are laid down in the Regulation and the Rules framed thereun[der]. You are, perhaps not unaware that there was a similar provision in the old Village Sanitation Rules, ~~also~~.

Section 31, also, to which you ~~also~~ refer in this connection as likely to cause friction, is nothing new. A provision similar to this is in force in municipal as well as in rural areas not only in ~~Mysore~~ this State, but in British India, and nowhere has it been attended with such undesirable consequences as you apprehend.

Lastly, you refer to section 33 as the most drastic and objectionable clause of the Regulation. The remarks made above in connection with section 31 generally apply to this also Besides, it must be pointed out that the right of entry is so restricted, both as to the purpose and mode of exercise, as to exclude the possibility of needless harassment.

In conclusion, I am to draw ~~to~~ attention to the fact that ample remedies are provided

provided in the Regulation to correct any abuse ~~exercise~~ of power on the part of Panchayets, and if experience shows that any of the provisions complained of really lead to any considerable annoyance or harrassment, the question of amending such provisions may be examined in due course.

At present, Government have no grounds to entertain such an apprehension and see no sufficient reason to deprive Village Panchayets of the powers with which local bodies are usually invested for the proper performance of their statutory functions. And, further, Government do not consider it practicable to exclude coffee, tea and other estates from the operation of a law of general applicability.

I have etc.,

CHIEF SECRETARY TO GOVT.

HKS.